

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*The Montgomery County Board of  
County Commissioners et al. v.  
Cardinal Health, Inc., et al.*  
Case No. 1:18-op-46326-DAP

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**DEFENDANTS' OBJECTION TO ORDER MODIFYING CERTAIN TRACK SEVEN  
CMO DEADLINES AND EXPERT DEPOSITION TIMES**

The Order Modifying Certain Track Seven CMO Deadlines and Expert Deposition Times (Doc. 4631) ("Order") limits the deposition time for plaintiff's ten Track Seven experts to a maximum of four hours. Defendants object to the time limits placed on two of those experts: Joseph Rannazzisi, who has never before served as an expert against any pharmacy defendant and has unveiled here a 167-page report, and Carmen Catizone. Each of these experts offers new, defendant-specific opinions about the five Defendants in Track Seven—two of whom, Meijer and Kroger, are new bellwether defendants. One of these experts, as noted above, has never before offered any expert opinions against any pharmacy. The Federal Rules—not to mention basic fairness—dictate that Defendants have the full seven-hours to depose Mr. Rannazzisi and Mr. Catizone on these new opinions. For the reasons stated below, Defendants respectfully request that the Court extend the deposition times for Mr. Rannazzisi and Mr. Catizone to seven hours each.

**Rannazzisi**: Mr. Rannazzisi has never before issued an expert report or appeared as an expert witness against any pharmacy defendant. In Track Seven, his 167-page report offers

opinions related to plaintiff's distribution claims. The report is not focused on general distribution opinions. It instead contains opinions in which Mr. Rannazzisi criticizes each of the five Defendants' suspicious order monitoring systems over a span of approximately 15 years. The 882 footnotes in the report cite to multiple sources, including documents, deposition testimony, and trial testimony from various cases. The Order allows Defendants only four total hours of deposition time with Mr. Rannazzisi. Less than one hour per Defendant is insufficient time for each Defendant to examine Mr. Rannazzisi on his new and expansive opinions. Given Mr. Rannazzisi is appearing here for the first time as an expert against pharmacy defendants and is offering detailed critiques of Defendants' suspicious order monitoring systems, Defendants' deposition time for Mr. Rannazzisi should be increased from four to seven hours.

**Catizone**: Although Mr. Catizone has appeared as an expert witness in three other opioid cases, he offers new defendant- and jurisdiction-specific evaluations of electronic notes data and dispensing data unique to Track Seven that could not possibly have been the subject of questioning in Track Three or elsewhere. His supplemental report also includes opinions about six specific prescribers in Track Seven, none of whom was at issue in his prior expert reports. Mr. Catizone's opinions are the backbone of plaintiff's dispensing case. For example, he opines on the alleged "red flag" prescriptions filled at Defendants' Track Seven pharmacies and on the adequacy of Defendants' documentation associated with those alleged "red flag" prescriptions. Nevertheless, the Order allows Defendants only four hours of deposition time for Mr. Catizone. If split evenly among the five Defendants, this limits each Defendant to under an hour of questioning. Defendants seek a total of seven hours to examine Mr. Catizone on his Track Seven opinions.

Based on the foregoing, Defendants respectfully request that the Court extend the deposition time limits in the Order to seven hours for Mr. Rannazzisi and Mr. Catizone.

Dated: October 6, 2022

Respectfully submitted,

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